

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

ELTON TAYLOR

CIVIL ACTION NO. 03-516

VERSUS

JUDGE S. MAURICE HICKS, JR

UNITED PARCEL SERVICE, INC

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the Court is a Motion for Reconsideration filed by the plaintiff, Elton Taylor. [Doc. No. 152]. The Federal Rules of Civil Procedure do not formally recognize a motion to reconsider. See Pryor v. United States Postal Serv., 769 F.2d 281, 285 (5th Cir.1985). However, the Fifth Circuit has treated motions to reconsider as either motions to alter or amend judgment pursuant to Rule 59(e) or motions for relief from judgment pursuant to Rule 60, depending upon the time at which the motion is filed. Lavespere v. Niagra Machine & Tools Works, Inc., 910 F.2d 167, 173 (5 Cir.1990). In this case, the motion was filed within ten days of this Court's decision and is therefore considered a motion to alter or amend judgment under Rule 59(e).

A court's reconsideration of a prior order is an extraordinary remedy which should be used only sparingly and should not be used to relitigate old matters, raise new arguments, or present evidence that should have been raised in the earlier motion. A court can entertain a motion for reconsideration if the moving party satisfies at least one of the following four criteria: (1) the motion is necessary to correct a manifest error of fact or law; (2) the movant presents newly discovered or previously unavailable evidence; (3) the motion is necessary in order to prevent manifest injustice; or (4) the motion is justified by

an intervening change in the controlling law. See Gregg v. Weeks Marine, Inc., 2000 WL 802865 (E.D.La. May 26, 2000).

For the reasons assigned in the Court's Supplemental Memorandum Ruling, the Court finds that plaintiff's motion to reconsider is without merit.

Therefore:

The Motion for Reconsideration [Doc. No. 152] is hereby **DENIED**.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 21st day of November, 2007.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE